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Amendment
Attorney Docket No. S63.2N-6430-US03

REMARKS

This Amendment is in response to the Office Action dated **March 22, 2005**. Each issue is discussed in detail below.

§102(b)/103(a) Rejections

Claims 19-20 and 30-44 were rejected under 35 USC §102(b) as anticipated by, or in the alternative, under 35 USC §103(a) as obvious over Chen et al. (US 5554120) in view of Onwunaka et al. (US 5281677) or Alzner (US 5458935). It is asserted in the official action that Chen et al. teach all the limitations of the claims (note summary) except for specific polyurethane resins and polyurethane elastomers, as recited by Applicant. However, it is further asserted that both Onwunaka et al. and Alzner teach polymer blends for use in making medical devices, including catheters and balloons for catheters. Specifically, it is asserted, they teach a combination of polymeric components providing characteristics in forming medical instruments such as catheters and balloons, wherein the first or second polymeric components are polyurethane resins and polyurethane elastomers, as recited by Applicant. It is the Examiner's position that the physical properties are inherent to the blends as recited in the patents. In the alternative, if Applicant disagrees that the physical properties are inherently described in the blends as recited above, it is the Examiner's position that, although the references do not expressly disclose the physical properties required by the claims, it would have been an obvious matter of design choice to a person of ordinary skill in the art to choose any polyurethane resin and elastomer blend that may result in the properties disclosed by Applicant. It is asserted in the official action that Applicant has not disclosed that a specific distension profile, flexural modulus, wall strength or burst pressure provides an advantage, is used for a particular purpose, or solves a stated problem. The official action asserts further that one of ordinary skill in the art would have expected Applicant's invention to perform equally well with either of the blends taught by Onwunaka et al. or Alzner or several other polyurethane resin/elastomer blends or any blend with a flexural modulus of 250,000, a wall strength of 15,000, a burst pressure of 13 atm, because all of the blends cited by the prior art perform functions of balloon catheters equally well.

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and are well known in the art of balloon catheters materials for several medical procedures, such as angioplasty.

Applicant respectfully traverses. As to the §102 anticipation rejection, the rejection fails, because, among other reasons and as it is stated in the official action, Chen et al. does not disclose the specific polyurethane resins and polyurethane elastomers as recited in the claims.

As to the §103 obviousness rejection, the rejection fails because, among other reasons, the cited art does not teach making a medical balloon using a melt blend of engineering polyurethane resins and polyurethane elastomers within the required flexural modulus range, as asserted in the official action. As required by claim 19, the engineering polyurethane resins must have a flexural modulus of 240,000 psi or greater and the polyurethane elastomers must have a flexural modulus of 150,000 psi.

As pointed out in Applicant's response filed on 12/13/04, the recommend polyurethane resins in Alzner, which had the highest flexural modulus, had a flexural modulus value which was 51,000 psi less than the required level. Onwunka et al. is silent as to any specific applicable resins. It is asserted in the official action that it would only have been a design choice to depart from the recommended teaching in the cited art to choose an engineering resin which meets the required high flexural modulus. However, there is no cited motivation, apart from hindsight of Applicant's application, to depart from the cited references' recommended compositions. Further, both of Alzner and Onwunka et al. teachings deal with the making of catheter shafts and does not make mention of medical balloons, as asserted in the official action. As such, the teachings are directed toward providing benefits for catheter shafts. It would not be obvious for one to not only change the recommended compositions, but also to apply them to another application, that being the making of medical balloons. Alzner and Onwunka et al. discuss compositions which complement the characteristics which are desired in catheter shafts, such as trackability, pushability and longitudinal flexibility, however, medical balloons have a different set of desired characteristics. Without a specific teaching of the claimed compositions and motivation to depart from those compositions which are recommend

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and to use the changed compositions in an application which is different from that which is taught, there is no reason to believe that one would be motivated by the cited references to choose a polyurethane resin having such a high flexural modulus and then combine it with a polyurethane elastomer having a flexural modulus at about 150,000 psi or less in the making of a medical balloon, as required by the claims.

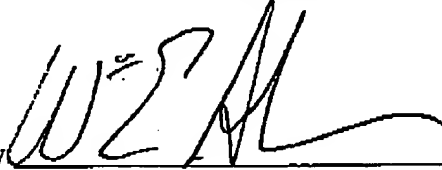
Further, it is stated in the official action in support of the rejection that, it is the Examiner's position that the recommended polyurethane resin's flexural modulus of 189 kpsi is *about* or near the claimed 240 kpsi. Although Applicant disagrees, claim 19 has been amended to remove the word *about*.

For the reasons stated above, the rejection fails. Withdrawal of the rejections is therefore respectfully requested. The claims are now believed to be in condition for allowance. The prompt allowance of these claims is earnestly solicited. If the Examiner wishes to discuss further issues, he is invited to contact the undersigned.

Respectfully submitted,

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Date: May 18, 2005

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